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SOUTHERN DISTRICT OF OHIO
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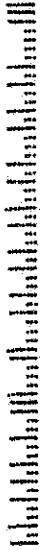
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

USA,
Plaintiff

vs

Case No. 1:1-cv-714-HJW-TSH
(Weber, Sr. J.; Hogan, M. J.)

1704 Hidden Hills Road, et. al.,
Defendants

ORDER

This matter is before the Court on pro se claimant George J. Fiorini, II's "motion for summary judgment dismissal" (Doc. 36). Also pending before the Court is Fiorini's "Motion to dismiss original charges dated 05-07-03 79-count indictment." (Doc. 42).

This matter was initiated by the Government as a civil forfeiture action brought pursuant to 28 U.S.C. § 881. George J. Fiorini, II has entered the case as a claimant alleging an interest in one of more of the properties sought to be forfeited in this proceeding. Fiorini filed a motion for "summary judgment dismissal" which seeks "Summary Dismissal of all the Plaintiff's claims against the Accused/Injured party, George J. Fiorini, II." (Doc. 36, p. 1). Fiorini filed a second document apparently seeking dismissal of the criminal charges in the underlying criminal action which gave rise to the present civil forfeiture proceeding. (Doc. 42).

Pursuant to Fed. R. Civ. P. 12(f), the Court, upon its own initiative, may order stricken from the record any immaterial or impertinent matter. In this case, plaintiff has not filed any claims against Fiorini as he is not a named defendant in this matter. Similarly, the Court has no jurisdiction within the context of this civil action to address any criminal charges brought against Mr. Fiorini. For these reasons, the

Court finds that these two motions are both immaterial and impertinent and shall, therefore, be stricken from the record.

It is therefore ORDERED that Mr. Fiorini's motions for summary judgment dismissal (Doc. 36), and for dismissal of the original charges (Doc. 42) shall be stricken from the record.



Timothy S. Hogan
United States Magistrate Judge